

FAX: To David Martin -703-746-4306

(1 page claim, 1 page Non-Compliant Claim rejection re-submittal) total=2 pages

TO: JEAN MARQUEITE GOODWIN (fax)703-308-7382

FROM: TERRY K. BRYANT (fax) 360-829-9087

Application/Control Number 09/900/599/Terry K. Bryant 561-308-4506  
Art Unit 2841/TECHNOLOGY CENTER 2800

FAX REC'D

DEC 31 2003

Dear Examiner Jeanne-Marquette Goodwin:

TECHNOLOGY CENTER 2800

Please accept the following changes and corrections as they apply to the informalities presented.

*Reply to Claim Objections*

## NON-COMPLIANT RE-SUBMITTAL (37 CFR 1.121)

With the concept of 35 U.S.C. 103(a) which forms the basis for obviousness for rejections set forth by the Office action the following is a refutable of the obviousness that the present invention is and was not obvious to one having ordinary skills as a whole of the patent worthy and uniqueness so that the subject matter pertaining would not have been obvious to one skilled in the art. The following is an attempt to show that the unique of the present invention is of such a nature that it stand as subject matter that all claim rejection as cited references will be obvious to one skilled in the art and each prior application will be refuted as follows:

All Patents cited would have been obvious of any changes are similarities due to the length of time lapsed involved in relationship the patent itself and the embodiment of the present invention should have been easily seen that no flexibility of the polymer is cited as the same as described in the aforementioned application for the present invention. With this understanding the function of the those previous inventions cited show that the use of flexible polymer is not obvious as the method specified and one skilled in the arts would obviously have not been able to see it such, thus, would allow the present invention to be acceptable as a unique new method of benefiting the use of the hour glass.

The above argument applies to those claim rejections are basically of combined similarity and have been argue as such however, the following cited claim rejection is being argued in detail to facilitate the most advantageous view of the function in regards to difference in methods and should it be necessary each patent cited will be argued in detail, in order to appropriately respond to your request as this is an attempt to reply as applies to all cited previous cited patents along/w the following cited objection that has a different argument of it's function:

Reference: Pat # 5,023,582 Mikels, though having a flexible transparent plastic comprising of a first and second chamber as described, it is obvious that the main function was not involved with the housing itself as being the complete functional method of the invention, rather the *sleeve, sockets and membranes*. The simple fact that Mikel's patent was granted over 12 years ago shows that there was no comparison to the new invention in mention. It is obvious that one skilled in the art would have not have found the subject matter to similar at the time of the invention, due to the fact that the function was not center around the direct "housing" itself as is the present invention which completely stipulates the method for improvement encompasses the housing solely and thus, the differences are such that no person would have found the present new application as pertaining to the same method.

Thank you for your consideration and attention and please feel free to call or fax should I need to provide more drafted information, or if you have any suggestions. *Thanks again for your help!*

*T.K.B.* 12/30/07  
T.K. Bryant  
561-308-4506

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FAX: JEANNE-MARQUEITE GOODWIN  
708-308-7392

DAVID MARTIN 708-746-4306

Application/Control Number 09/900/399  
Art Unit 2841/Technology Center 2800

Inventor: Terry Keith Bryant  
1281 East Blue Heron Blvd.  
Singer Island, Florida 33404  
(561)-308-4506

### RESPONSE TO CLAIM OBJECTIONS

1. (currently amended) A method of dramatically improving the speed in which hour glass works comprising of the step of:

providing a clear flexible polymer or similar material performed in the shape of an hour-glass which can increase the time in which the sand or like material can run through the flow canal of the hour-glass in order to fill the desired compartment and allow the user to begin using the hour-glass without having to wait; applying pressure on the sides ~~reforming flexible area of the polymer housing of the flexible shape and thus opening the flow canal allowing the sand or like material to pass freely and fill the desired compartment of the hour-glass; releasing the pressure on the sides of the flexible shape (current amendment) reforming flexible area of the polymer housing and thus allowing the flow canal and the hour-glass to return to its original shape~~ the shape of the flexible polymer housing which is self-reforming polymer in the shape of an hour-glass.

2. (currently amended) The method of claim 1 further comprising the step of pressing on the sides to allow the sand or similar material appropriate for use to ~~run quickly run through~~ run quickly in order to pass through the chambers of the hour-glass shape at a faster speed than normally by that of prior art as relates and is allowed by the upper compartment of the hour-glass into the lower compartment of the hour-glass.

3. (currently amended) The method of claim 2 comprising the step of forming as a basic or similar shape of an hour-glass comprising of using a flexible clear polymer or substance or similar likeness that has flexibility properties which will allow the basic shape of the hour-glass to flex when pressure is applied to the of appropriate areas; thus allowing the flow canal located between the upper and lower compartments in which the sand or similar material runs through to open thus well allowing the immediate ability to fill the desired compartment of the hour-glass with the sand or like material; directly interposing said flexible areas when being pressed will open the flow canal increasing the amount of sand or any appropriate material that can be used in an hour-glass to run freely between the two chambers or compartments of the hour-glass itself.

4. (currently amended) The method of claim 3 further comprising the step of ~~of the flexibility of the hour-glass shape~~ the ability of the flexibility of the polymer hour-glass shape when released to return to its original form allowing an immediate use of the hour-glass without delay.

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